



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 3, 2013

Pat Stout
C/O HartmanBaldwin Design/Build
100 W. Foothill Blvd.
Claremont, CA 91711

**REGARDING: PROJECT NO. R2013-00858-(5)
OAK TREE PERMIT NO. 201300015
3613 LINCOLN AVE., ALTADENA APN #5863-023-062**

Hearing Officer Paul McCarthy, by his action of September 3, 2013, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on September 17, 2013. **Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

MM:SM

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-00858-(5)
OAK TREE PERMIT NO. 201300015**

1. **ENTITLEMENT REQUESTED.** The applicant, HartmanBaldwin Design/Build, is requesting an Oak Tree Permit to authorize the removal of one (1) oak tree and to encroach upon the protected zones of eight (8) oak trees in association with new remodeling improvements to an existing single-family residence pursuant to County Code Section 22.56.2060 in the R-1-10000 (Single-family Residence – 10,000 sq. ft. Minimum Required Area) Zone.
2. **HEARING DATE.** September 3, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held before the Hearing Officer. Hearing Officer Paul McCarthy was in attendance for the public hearing. The applicant's representative, Michael Crane, presented testimony in favor of the request and answered questions presented by the Hearing Officer. There being no further testimony, the Hearing Officer closed the public hearing, indicating his intent to approve project R2013-00858 with conditions.
4. **PROJECT DESCRIPTION.** The applicant is requesting an Oak Tree Permit (OTP) for the removal of one (1) oak tree and to encroach upon the protected zones of eight (8) oak trees in association with new remodeling improvements to an existing single-family residence (Plot Plan No. 201300310) in the R-1-10000 (Single-family Residence – 10,000 sq. ft. Minimum Required Area) zone. Two mitigation oak trees will be planted on site to replace the oak tree being removed.
5. **LOCATION.** The subject property is located at 3613 Lincoln Ave. in the unincorporated community of Altadena and in the Altadena Zoned District.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing single-family residence with proposed additions located along Lincoln Avenue. The project site's on-site and nearby off-site oak trees and their protected zones are depicted.
7. **EXISTING ZONING.** The subject property is zoned R-1-10000 (Single-family Residence – 10,000 sq. ft. Minimum Required Area).
The existing zoning for the surrounding properties are as follows:
North: SP (Specific Plan)
South: R-1-10000 (Single-family Residence – 10,000 sq. ft. Minimum Required Area)
East: SP (Specific Plan)
West: R-1-10000 (Single-family Residence – 10,000 sq. ft. Minimum Required Area)
8. **EXISTING LAND USES.** The subject property contains a single-family residence. The existing land use for the surrounding properties are as follows:
North: Single-family Residences
South: Single-family Residences
East: Single-family Residences
West: Single-family Residences
9. **PREVIOUS CASES/ZONING HISTORY.** The Zoning History of this parcel is as follows:
R1-10000 (April 1950).

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the LD – Low Density Residential land use category of the Altadena Community Plan. This designation is intended for common suburban tract residential development with a purpose to maintain existing single-family neighborhoods. The removal of one oak tree and encroachment upon eight oak trees on the property of an existing single-family residence does not conflict with this land use category and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Emphasize the preservation, conservation, and maintenance of stable residential areas.*
- *Preserve sound residential areas and protect them from intrusion of incompatible uses.*

The project involves the removal of one oak tree and the encroachment into the protected zones of eight oak trees for the purpose of adding new additions to an existing single-family residence. The oak tree removal and encroachments and the remodeling of the single-family residence will preserve and maintain the existing residential area around the project site.

The following policies of the Altadena Community Plan are applicable to the proposed project:

- *Preserve and maintain existing residential units which are structurally sound.*

The project involves the removal of one oak tree and the encroachment into the protected zones of eight oak trees for the purpose of adding new additions to an existing single-family residence. The oak tree removal and encroachments and the remodeling of the single-family residence will preserve and maintain the overall form of the existing home on the site.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Pursuant to Section 22.56.2060 of the County Code, destroying, removing, relocating, damaging or encroaching into a protected zone of any tree of the oak genus which is 25 inches or more in circumference is prohibited without an oak tree permit. The protected zone is the area extending five feet beyond the dripline of the tree or 15 feet from the trunk, whichever is greater.

Pursuant to Section 22.56.2140, staff referred a copy of the applicant's oak tree report to the County Forester to review the accuracy of statements contained therein, and to inspect the project site.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The subject property is surrounded by single-family residences. The removal of one oak tree and the encroachment into the protected zones of eight oak trees in association with new remodeling improvements to an existing single-family residence is consistent with the scale of surrounding development and will not have an adverse impact on the neighborhood.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The County Forester provided comments and requirements in a letter dated May 9, 2013 (letter and conditions attached). The County Forester conditioned that the applicant meet all requirements for the removal of one oak tree (Oak Tree #17) and the encroachment into the protected zones of eight oak trees (Oak Trees #7, 8, 9, 16, 18, 34, 35, and 36) on the project site. Staff concurs with the Forester's requirements and mitigations dated May 9, 2013.
14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by newspaper, library posting, and DRP website posting.
15. **PUBLIC COMMENTS.** Staff has not received any comments at this time.

OAK TREE PERMIT SPECIFIC FINDINGS

16. A qualified arborist has surveyed the project site and all oak tree preservation recommendations made by the arborist will be followed.
17. Therefore, the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.
18. The tree proposed for removal is one of among a dense stand of co-dominant canopy located on a flat grade. Its removal will have little impact to soil erosion factors on the site.
19. Therefore, the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
20. The removal of the oak tree will not detract from the aesthetic value of the property or surrounding area. It will not remove a significant percentage of the property's oak canopy. It is not a heritage-sized tree. The removal of the tree will be mitigated by the planting of two new oak trees.
21. Therefore, the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

ENVIRONMENTAL DETERMINATION

22. The removal of one oak tree and the encroachment upon the protected zones of eight oak trees on the project site involves a negligible alteration to the current condition of the site.
23. Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
24. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such

documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property; and
- B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- C. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for an Oak Tree Permit as set forth in Section 22.56.2060 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Oak Tree Permit No. 201300015 is Approved subject to the attached conditions.

Action Date: September 3, 2013

MM/SM
9/3/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

This grant authorizes the removal of one (1) oak tree, as identified as Oak Tree No. 17 on the site plan, and to encroach upon the protected zones of eight (8) oak trees, as identified as Oak Tree Nos. 7, 8, 9, 16, 18, 34, 35, and 36 on the site plan, subject to the following conditions:

1. This permit shall not be effective until a plot plan is approved for the proposed remodeling improvements of the existing single-family residence (Plot Plan No. 201300310), demonstrating the need to remove/encroach upon the said trees.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to the attached County Forester's letter dated May 9, 2013. The affidavit shall be filed by **November 4, 2013**.
3. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
6. This grant shall expire unless used within two years from the date of final approval by the County. The date of final approval is the date of the approval action plus any applicable appeal period. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any

development or activity not in full compliance shall be a violation of these conditions. **The permittee shall deposit with the County of Los Angeles the sum of \$200.00.** The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for one (1) inspection. If additional Department of Regional Planning inspections are deemed necessary, required supplementary funds (at \$200 per inspection) shall be deposited with the Department of Regional Planning. Inspections shall be unannounced and may be coordinated with the County Forester.

8. If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
11. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated May 9, 2013 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.
 - a. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of two (2) trees.
12. The permittee shall plant one acorn of the *Quercus agrifolia* variety for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
13. All replacement trees shall be planted on native undisturbed soil. The first two irrigations or watering of planted trees shall incorporate the addition of a mycorrhizae product (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting trees.

Attachment: County Forester's Letter dated May 9, 2013.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

May 9, 2013

Maria Masis, Principal Regional Planner
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mrs. Masis:

OAK TREE PERMIT NUMBER 2013-00015
PROJECT NUMBER R2013-00858
3613 LINCOLN AVENUE, ALTADENA

We have reviewed the "Request for Oak Tree Permit #2013-00015." The project is located at 3613 Lincoln Avenue in the unincorporated area of Altadena. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Michael Crane, the consulting arborist, dated January 2013.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$300. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CERRITOS	EL MONTE	INDUSTRY	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	COMMERCE	GLENDORA	IRVINDALE	LAWDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
BRADBURY							WHITTIER

inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two (2) subsequent until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division, stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact, as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chain link fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site, as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval, shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE REMOVAL AND ENCROACHMENT:

7. This grant allows the removal of one (1) tree of the Oak genus (*Quercus agrifolia*) identified as Tree Number 17 on the applicant's site plan and Oak Tree Report. This grant also allows encroachment within the protected zone of eight (8) trees of the Oak genus (*Quercus agrifolia*) identified as trees; 7, 8, 9, 16, 18, 34, 35, and 36 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and

stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of two (2) mitigation trees. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above that dies as a result of the approved encroachments.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia, grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

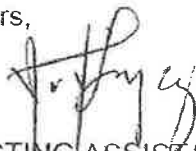
NON-PERMITTED ACTIONS AND VIOLATIONS:

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

To schedule an inspection with a County Forester, please call the Environmental Review Unit at (818) 890-5719.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,



J. LOPEZ, ACTING ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

Jl: jl

Enclosure